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MORAL INSANITY.*

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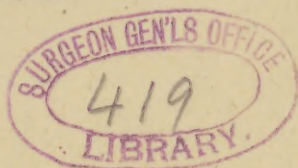
In view of the many controversial warfares that have been waged at various times concerning the question of existence of such a disease of the mental faculties as moral insanity, it is essential to ask early in this paper whether our knowledge upon this subject at this time leads us to testify in favor of, or against, its existence. If, after careful inquiry upon the subject, we find emanating from competent and indisputable authority affirmative evidence sufficient to establish its existence, we naturally have to inquire, what constitutes its distinguishing features?

It is extremely difficult to satisfactorily answer such a question. It is difficult to so frame an answer that it shall embody the clearest, and most comprehensive symptoms of this affection, so that they will satisfy both physician and jurist, and, at the same time procure for all the greatest degree of common justice.

A desideratum of infinite value lies in the solution of this problem, the attainment of which, none will deny, is eminently difficult.

Along this line the line, of establishment and proportionate responsibility in this mental disease, battle can be easily and freely fought by the students of psychology on one hand, and the members of the bar on the other. In endeavoring to answer this question we must not be

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blind to the fact that it is one in which both the psychologist and jurist feel an interest equally keen. As to the existence of moral insanity, we freely believe that it does exist. Ample evidence that comes from convincing sources can be produced to justify such a belief.

If it is of paramount importance, for three distinct reasons, why it should be alike scientifically and legally recognized.

First. It is humanely important because its recognition would in no small degree subserve to find, and establish, the aim that endeavors to secure common justice for all.

Such justice is but the inherent right of every man, woman and child. The constitution of the commonwealth under which they live was purposely established to procure for them this inalienable possession. Suppose a person guilty of a crime, and suppose that person at the time of the commitment of that particular crime be an irresponsible agent by reason of some mental defect or obliquity. Such a person surely should not suffer the prescribed punishment of the law in the same manner that evil doers suffer whose mental organization and condition, as regards sanity or insanity, admits of no questioning.

Secondly. Moral Insanity should be recognized. Because, it is but right that a just recognition be made of the labor and knowledge of those whose researches have been confined to the field of morbid mental action and whose observations have made known its existence.

Some may consider this reason inadequate, and too far removed from the interests of the individual whose acts may be in question, as having no practical bearing upon the personal welfare of the law breaker. Should such a charge be made, we would answer that if those who labor

to find how far a man is responsible for the deeds committed in violation of protective laws, do so honestly, and with the sole intent of doing what is but just to mankind, then it is perfectly right, if selfish motives be fairly excluded, that their good purposes and honest efforts be recognized.

Thirdly. It is important that Moral Insanity be recognized. Because, it will broaden the field in which judicial clemency may be righteously exercised, and bring additional credit to the majesty of the law. It may be argued that already the field that invites judicial clemency, is too broad; but, nowhere should we be able to find so anomalous an individual as one who could declare in favor of inflicting punishment upon an irresponsible malefactor.

In the study of moral insanity, we must respect the vast diversity of opinions that have come from men distinguished in the world of science.

Likewise, we must respect the opinions of the Jurists, whose jurisdiction transcends that of the psychologist when it came to the final disposition of one who has fractured statutory law and is on trial for the same. Perhaps no man has so truly painted in verbal colors moral insanity in its every detail as Maudsley has done. In his "Responsibility in Mental Disease" he writes upon it at some length, and I can do no better than quote a few sentences from this distinguished author.

"This," says Maudsley, "is a form of mental alienation which has so much the look of vice or crime that many persons regard it as an unfounded medical invention. Notwithstanding prejudices to the contrary there is a disorder of mind in which without delusion, illusion, or hallucination the symptoms are mainly exhibited in a perversion of those mental faculties which are called the

active and moral powers—the feelings, affections, propensities, temper, habits and conduct.”

By this, we see that those symptoms, viz., delusion, hallucination, illusion, which usually most strongly characterize the existence of most forms of insanity, have no place in moral insanity. Moral insensibility, as the one distinguishing feature, stands isolated and supreme.

“The intelligence,” says Maudsley, “is often acute enough, being not affected otherwise than in being tainted by morbid feelings, under the influence of which the persons think and act; “indeed,” he adds, “they often display an extraordinary ingenuity in explaining, justifying or excusing their behavior, exaggerating this, ignoring that, and so coloring the whole to make themselves appear as victims of misrepresentation and persecution. The victim of moral insanity, the writer further observes, is “incapable of following a regular pursuit in life, of recognizing the ordinary rules of prudence and self-interest, of appreciating the injury to himself which his conduct is. He is as distrustful of others as he is untrustworthy himself. He cannot be brought to see the culpability of his conduct which he persistently excuses or justifies; his affective nature is profoundly deranged and his affinities are for such evil gratifications as must lead to further degradation, and finally render him a deceased element, which must be got rid of out of social organization, or be sequestered and made harmless in it.”

But how, many will ask, after hearing the above symptoms enumerated, are you going to distinguish between moral insanity, and the normal condition, motive, and the desires of a person who is naturally wicked, socially perverse and criminal? The answer is simple,

and comes not from theoretical fancies, but from what are now held to be facts. In moral insanity, it is just as essential that organic disease, deficiency, or some abnormal condition of the mind making parts be present, as it is to have some one of these factors in other insanities. This disease or deficiency in the elementary psychic forces of an individual, may be either congenital or acquired. The congenital form appears to be more complete in its character. In this form, no element or subdivision of the moral constitution seems to escape the taint imposed by hereditary moral defects; while in the acquired form, the base of moral obliquity is not so great. In view of this statement the question, How do we not know but that all persons guilty of vice or crime may be organically lacking in such elements, that, did the elements exist, moral defects would not be seen? The ancestral history of every case is an important consideration in studying the question of differentiation. There is nothing more positive in man's organic nature than the bequests of heredity; and it matters not what his education or the tutelage of his environments may secure for him, any defects he may possess must at times lie exposed on the surface of his action and life. There is one broad distinction between moral imbeciles, or the subjects of moral insanity, and the lower strata of mankind who willingly and with deliberate purpose do misdeeds; and that difference lies in the comparative intellect of the two. In cases of moral insanity, the intellect is nearly always found to be good, oftentimes brilliant. They may be wonderfully clever in the arts, sciences, and bear the polish of good society, yet the measure of their moral powers is so low as to rob them of every charm. Such cases recognize their infirmity, and shield it with shrewd and plausible ways and explanations. They

distinctly see and understand the difference between right and wrong, but *that*, in their nature, which should be present *to enable them to resist* the commitment of evil deeds and inhibit the utterance of speeches they know to be false, *has never existed, or has been destroyed*. The order of intellect to be found among ordinary criminals and law breakers, as a rule, is far inferior to the intellect of those morally insane. The two move in a different sphere in life. The latter is totally indifferent as to what his sociological surroundings are. His moral obtuseness prevents him from ever properly defining his position. This is not so with the former. They studiously avoid the lights of the world, so to speak, and their misdeeds are done in secrecy. They fully appreciate the fact, that honest men abhor them, and they zealously seek to blind the eyes of the law in the commission of overt acts.

Intellectual power, and the power of self restraint, comprise two of the most important factors for study in the consideration of this question.

Intelligence, with the morally insane, when exercised along the line of action he intends pursuing, or involuntarily pursues, does *not* teach him that what he would do, or is doing *is wrong*. His moral powers are dead. Intuitive moral feelings do not exist in his nature; and, for that reason he should *not* be held responsible for what is beyond his every effort to prevent. Then again, in other cases, the man who is morally insane, may *fully understand* that what he would do, or is doing, is wrong, and in violation of law and society; but he could not resist the impulse to do evil, because he undoubtedly is suffering from a *paralysis, or deficiency* of the *psychical inhibitory forces*, and absolutely without the slightest feeling of self-restraint, which he may honestly desire to exercise,

he takes a false step. This man likewise should not be harshly adjudged, for *not* as a free agent has he been guilty of crime but as the victim of an ignorant motive, engrafted upon evil powers that are instilled with no response.

With the ordinary criminal it is totally different. His intellect does not play him false. It permits him to always, under normal conditions, regulate his actions in a manner that he reasons best for his purpose. His powers of self-restraint are not diseased. He can easily leave undone what he has planned, should new developments teach him that it is unwise. Shrewd precautions for personal safety are taken by him at every step. He recognizes when he has been guilty of crime; he understands its consequences, and studiously seeks to avoid detection.

These points of differentiation, as far as we are able to give them at present, seem to designate the chief distinctions between moral insanity and the purely criminal and wicked. Of course, no hard-and-fast rules can be laid down to guide us in the solution of this important problem. Every case, as it stands before science, or before the bar of legal justice, must abide by the decision that is made after consideration of its individual merits. We would be gratified to have moral insanity encouraged because its recognition would at some time temper the sentence that would otherwise be imposed in all its severity upon some irresponsible law-breaker.

We would like to see it recognized, for the reason that science might rejoice over an additional benefit bestowed upon mankind. "To err is human." To find the true cause of human error, and to render judgment accordingly, is not far from divine.

